Scotland After Brexit

Will It Leave the United Kingdom?

By John Curtice, FOREIGN AFFAIRS, July 3, 2016

When Scotland went to the polls in September 2014 to decide whether it wanted to become an independent country, Alex Salmond, Scotland’s first minister at the time, called the ballot a “once in a generation” opportunity. If the country rejected the proposition, as it eventually did by 55 to 45 percent, then his party, the Scottish National Party (SNP), would, he said, honor that decision for the foreseeable future.

However, the recent Brexit referendum has given new life to the debate about Scottish independence. Although the United Kingdom voted to leave the EU by 52 to 48 percent, Scotland voted by 62 to 38 percent to remain.

Unsurprisingly, the current SNP first minister, Nicola Sturgeon, and her colleagues called it a “democratic affront” that votes cast in England could take Scotland out of the EU against its will. From their perspective, the U.K.-wide decision to leave the EU perfectly illustrates how being part of the United Kingdom limits Scotland’s ability to determine its own affairs. As a result, the Scottish government is now trying to establish whether and how Scotland could retain its membership of the EU. It has convened a council of experts to advise on the options, and Sturgeon herself has already gone to Brussels to assess the lay of the land.

One suggestion is that Scotland could stay in the EU even if it is still part of a United Kingdom that has left. So far, though, nobody has demonstrated how that might be possible. The EU is, after all, a bloc of states. The only real option, then, looks to be for Scotland to leave the United Kingdom and secure membership of the EU as an independent state.

There are three potential hurdles that get in the way of this option, however. The first is public opinion. While the 45 percent level of support for independence recorded in the 2014 independence referendum has shown no sign of receding—indeed, it averaged 47 percent in opinion polls conducted before the Brexit referendum—this still left independence supporters in the minority. The crucial question is whether the British vote to leave the EU has upset enough Scottish voters to create a majority in favor of independence.
Scotland's Edinburgh Castle rock is illuminated with a sign to "Vote Remain" in the EU, June 21, 2016.

Polls conducted before the EU referendum suggested that the United Kingdom’s vote for Brexit would result in a four- to five-point increase in support of independence, just enough to create a small majority in favor. Now, three polls conducted immediately after the referendum have estimated that support for independence has, indeed, increased to 52 to 54 percent. Still, such figures are well short of the 60 percent threshold that the SNP itself has previously indicated it would like to see before holding a second referendum. At the moment, holding a second ballot still looks like quite a risky option for the SNP.

The second potential hurdle facing the SNP is securing the legal authority to hold a second ballot. Scotland’s constitutional status is one of the issues that is still in the preserve of the British Parliament in London rather than the responsibility of the devolved Scottish Parliament in Edinburgh. The September 2014 referendum was held after London had delegated the Scottish Parliament a time-limited authority to hold a referendum. That right has now expired.
It is open to doubt whether the next British prime minister and government would be willing to authorize a second Scottish independence referendum. It is true that before the 2014 referendum it was suggested that the Scottish Parliament might be able to hold, on its own authority, a referendum on whether the Scottish government should seek to open talks with the British government on Scotland’s independence. But even if such a referendum avoided a challenge in the courts, the British government would not be under any obligation to honor the outcome.

The third and final hurdle is the most important one. How will the EU respond to an attempt by Scotland to become independent in order to retain its position inside the EU? The EU could say, as then President of the European Commission José Manuel Barroso suggested before the 2014 referendum, that an independent Scotland would have to apply for membership just like any other new applicant. And it might even have to wait years before securing admission. In that case, the SNP’s prospects for a victorious second referendum would be significantly diminished.

On the other hand, the EU might signal that it would allow an independent Scotland to be fast-tracked into membership and perhaps even to take over the United Kingdom’s current membership. In that event, Sturgeon’s chances of winning a referendum would be much greater.

This will not be an easy choice for the EU. Some of its members, most notably Spain, are concerned that cries for autonomy within their own countries (such as in Catalonia) will be emboldened if Scotland becomes independent. Indeed, Spanish Prime Minister Mariano Rajoy has already expressed his opposition to any EU talks with the Scottish government. On the other
hand, it may seem hypocritical for the EU to reject Scotland’s quest to stay in the union given that it has expressed its wish to do so through a democratic ballot.

Either way, Scotland’s future may very well rest on whether the EU decides to extend a helping hand to Sturgeon or not.